

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

**IN RE: AQUEOUS FILM-FORMING
FOAMS PRODUCTS LIABILITY
LITIGATION**

MDL No. 2:18-mn-2873-RMG

CASE MANAGEMENT ORDER NO. 16

This Order Relates to All Actions

**PROTOCOL AND SCHEDULE FOR BRIEFING DISPOSITIVE MOTIONS ON
GOVERNMENT CONTRACTOR DEFENSE**

The Court issues the following Case Management Order (“CMO”) to govern the scheduling and briefing of dispositive motions concerning the Government Contractor Defense.¹

A. Any party may file a dispositive motion related to the Government Contractor Defense, provided, however, that the Plaintiffs' Co-Lead Counsel and Defendants' Co-Lead Counsel shall meet and confer by no later than May 15, 2021 to discuss methods of making this briefing efficient and non-duplicative, including the potential use of measures such as omnibus motions and/or omnibus responses that allow incorporation by reference of arguments and/or facts, as well as possible page limitations and shall submit proposals on the same in the Joint Status Report due to the Court on June 11, 2021.

B. The Court sets the following deadlines for briefing of motions related to this defense:

- a. Opening motion and briefs no later than: August 6, 2021
- b. Response briefs: September 15, 2021
- c. Reply briefs: October 5, 2021

¹ Nothing in this order prohibits the parties from bringing other dispositive motions pursuant to the procedures set forth in Case Management Order 2.

C. Should the parties identify an issue that necessitates a potential change to this schedule, such as delays in production of relevant documents from the government or another party, they shall promptly meet and confer and, if necessary, bring the issue to the Court's attention in either a proposed amended briefing schedule or a joint pleading setting forth the DCC's and the PEC's respective positions. Notwithstanding, there is nothing that the parties are aware of at the present time that would necessitate a potential change to this agreed to schedule.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
Richard Mark Gergel
United States District Court Judge

April 15, 2021
Charleston, South Carolina